

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

No. CR 05-00595 WHA
No. CR 10-00207 WHA

v.

SADELL CONRAD,
Defendant.

**ORDER DENYING DEFENDANT'S
MOTION FOR REDUCTION OF
SENTENCE**

Defendant Sadell Conrad moves, *pro se*, for a reduction of his sentence pursuant to 18 U.S.C. 3582(c)(2). Defendant pled guilty to and was convicted of possession with intent to distribute crack cocaine in violation of 21 U.S.C. 841(a)(1) and (b)(1)(B)(iii), and of three violations of the terms of his supervised release for a previous crime. On May 5, 2010, he was sentenced to a term of imprisonment of 77 months to run concurrently with a term of 36 months.

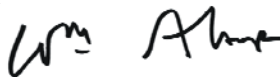
Defendant's motion argues that his sentence should be reduced based on the Fair Sentencing Act, which was signed by President Obama on August 3, 2010, to change the weight of cocaine base required to trigger five- and ten-year mandatory minimum sentences. The motion urges this order to apply the Fair Sentencing Act retroactively to him. Yet, our court of appeals — consistent with other circuits — has held that the Fair Sentencing Act is not retroactive as applied to defendants who were convicted and sentenced before the Act was law. *See United States v. Hall*, 403 Fed. App'x 214, 217 (9th Cir. 2010) ("the new legislation is not retroactive"). Defendant has provided no authority that would allow this order to push past such a roadblock to his motion.

1 In addition, defendant's plea agreement states: "I agree to waive any right I might have to
2 file any collateral attack on my conviction or sentence, including a . . . motion under 18 U.S.C. §
3 3582, at any time in the future after I am sentenced, except for a claim that my constitutional right
4 to the effective assistance of counsel was violated."

5 Therefore, defendant's motion for reduction of his sentence is **DENIED**. The Clerk shall
6 serve this order on defendant.

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8 **IT IS SO ORDERED.**

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10 Dated: July 22, 2011.



11 WILLIAM ALSUP
12 UNITED STATES DISTRICT JUDGE
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